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NOTES ON “FRAGMENTS OF A ZADOKITE WORK”

THE text of this remarkable document which Prof. Schechter has published in the first volume of his ‘Documents of Jewish Sectaries’ (Cambridge 1910) is unfortunately in a very defective and corrupt condition. The learned editor has succeeded by his numerous and very felicitous emendations in smoothing over many of the difficulties of the text and in making its contents intelligible to the reader. But in a considerable number of passages the corruptions are so deep-seated that they have baffled the ingenuity and skill of Prof. Schechter himself. The difficulties which surround the text and its contents will never be solved adequately without some fresh discoveries, which, as the editor remarks slyly in his Preface (p. iv), might even be made ‘almost simultaneously. I venture nevertheless to give below a few corrections and restorations which occurred to me in the course of a careful perusal of the document, and most of which, I need hardly say, are of a purely hypothetical character.

Page 1, line 16. וְלֹא־בָּאָדָם (=**וְלֹא־בָּאָדָם**) read. The phrase is an adaptation of Deut. 19, 14; comp. p. 5, l. 20.

P. 2, 1. 8. דָוָרֹת מְדָמָם rd. דָוָרֹת מְדָמָם which would be parallel to the preceding מעשיהם.

1. 10. וְנַהֲיוֹת עַד. I would suggest that **עד** == **עַד**, ‘Happenings of eternity.’ The phrase would thus be paralleled to the preceding **חַי עַלְמִים**, and identical with **נַהֲיוֹת עַלְמִים** (p. 13, l. 8). The suggestion of the Rev. J. A. Montgomery (p. LIX) to combine **עד** with the following **מֵה** in the sense of the Syriac **עַד־מֵה**, is altogether inappropriate. The language of the work is singularly free from all direct Aramaic influences. The

only distinct Aramaism, as distinguished from Mishnic expressions, to be found in the document is **עד לא** (Mishnic **עד שלא**), p. 10, l. 10. Contrast with **ונברם** p. 2, l. 7.

P. 4, l. 2. **מעליהם** rd. **מעליהם** as in the original passage Ez. 44, 15.

1. 3. **והנליום** seems to refer to proselytes of the Sect; comp. Isa. 56, 6; Esther 9, 27.

1. 12. **מצורו מצורו** rd. as in Habak. 2, 1. The meaning of the passage seems to be as follows: 'At the completion of the End according to the number of these years, no man must re-join the House of Judah; but every one must stand on his *watch-tower*. For the wall (of separation) is built, the statute (or the true religion, according to the Sect) is removed (from Judah to Damascus).'

1. 19. **חחין** (= **חחין**). The editor's rendering 'wall' does not quite give the exact meaning of the word. The word which means 'partition,' seems to be used here in the sense of 'frail and shaky fence' as opposed to the **גדר** (l. 12 above) 'the strong stone fence' of the Sect. The opponents of the Sect are accused of having removed the ancient boundary at the instigation of 'the man of mockery,' the 'preacher of lies' (pp. 1, l. 14; 5, l. 20), and of having afterwards erected a **חחין** which they 'daubed with untempered mortar' (pp. 8, l. 12; 19, l. 24). In the place of the stringent ruler of the Sect, which the latter claimed to have been the original law of God as revealed to the ancient, their opponent set up a lax discipline which must lead to irreligion.

בוחשו את ישאל בראשונה. rd. **בוחש ישאל את** הראשונה.

P. 6, l. 1. 16. **ובהון המקדש** ו. **ומהון**. Perhaps the text is to be retained, the meaning being that the opponents of the Sect appropriate the property of the Sanctuary for their own use (**מעיליה**).

1. 17. **ולחבירין**, etc. Adaptation from Ezekiel 22, 26, with the verbs transposed; so below, p. 12, l. 19 f.

P. 8, l. 6. **ויתעלמו איש בשאר** **ויתעלמו** איש. The editor reads **ויתעלמו** ... **משאר**. Perhaps rd. **ויתעלמו** ... **משאר**; comp. Isa. 58, 7.

1. 7. **וַיַּתְגִּבְרוּ**. The editor reads **וַיַּתְמִכְרוּ**. Better read, as in text B, p. 19, l. 19.

P. 9, l. 11. **מִמְאָר** 'of the property,' comp. p. 12, l. 10. The editor's emendation **מִמְוּעֵד** (= **מִמְאָהָל מִזְעֵד**) would be greatly improved by reading **בְּמִזְעֵד**. The passage would then read as follows: 'If anything is lost, and it is not known who has stolen it, then *in the Meeting-place* of the camp in which the theft has been committed, the owner shall adjure by the oath of the curse,' etc. **מִזְעֵד** would correspond to **בֵּית נִסְתָּחָת** (comp. Ps. 74, 8; Soṭah 9, 15), and would be identical with **בֵּית הוּא וְבֵית השְׁתָחוֹת** (p. 11, l. 22). Perhaps **בֵּית השְׁתָחוֹת** is a later alteration, under the influence of Arabic, of the original **בֵּית מִזְעֵד** (comp. also Job 30, 23). See the Editor's Introd., p. xxv.

1. 16 ff. The Law of Evidence. I would propose to read in l. 21 **ול הַחֻקָּק יוּכְלָו שְׁנֵי עִירִים אַחֲרֵי** for **אַחֲרֵי** and in l. 22: **יַקְבְּלָו הַחֻקָּק [נָאמְנִים בְּכָלָה]**, or perhaps, as suggested by the editor for **בְּכָלָה**.... I would regard **הַחֻקָּק** as an ordinary statute, the transgression of which does not entail the death penalty, in contradistinction to **דְּבָר מוֹת** in l. 17. The law would thus be as follows: If a man commits a capital crime in the presence of one witness, he should be charged by the witness before the Censor who should make a record of the charge. If the man should commit again the same crime in the presence of one witness only, then the matter must be reported to the Censor, and when the man is caught committing the crime a third time, he is to suffer the death penalty. If, however, there are only two faithful witnesses against him, he is only to be excluded from the Purity (whatever that may mean). But if the charge is not one involving the death penalty (= **הַחֻקָּק**), then two witnesses are sufficient for condemnation to the prescribed penalty, and one for exclusion from the Purity. This requirement of three witnesses in a capital charge, and of two in an ordinary charge, may, perhaps, be based upon a peculiar interpretation of the Scriptural text "at the mouth of two witnesses or at the mouth of three witnesses" (Deut. 17, 6;

19, 15; comp. also Sifre and Ibn Ezra to the first passage). The power of the Judge to combine the independent testimony of single witnesses in capital charges is against Rabbinic law; comp. Babli Makkot 6b.

P. 10, l. 18. The editor points וַיַּקְרֵב, and combines it with the following לֹא: 'And surely none shall,' etc. This cannot possibly be correct. The word should be pointed וַיַּקְרֵב, being a second adjective to the preceding דְּבָר: 'a base *and* vain word.'

1. 20. I think the reading of the text חַפְצִי may be correct. The meaning of the law would be that work which is permitted on the Sabbath, should only be performed in the house and not in the field. Or, perhaps, it is a prohibition against preparing, on week days, Sabbath things in the field. The editor's interpretation that the prohibition is directed against *planning* work on the Sabbath can hardly be applied to the words לְעֹשָׂה אֶת עֲבוֹדָת, etc.

1. 21. אַךְ עַד עַל. Rd. perhaps, אַךְ עַד.

P. 11, l. 4. שָׁופִים. Rd. probably שָׁפָנוּ. The final נ may be ditto-graphed from the following ב.

1. 23. ת ... The editor restores הַשְׁבָּת (a misprint for בְּשֻׁבָּת?), though he confesses to be unable to explain the meaning of the passage. I doubt, however, whether the passage has anything to do with the Sabbath. The laws of the Sabbath are concluded in l. 18 with the prohibition respecting sacrifice on the Sabbath. This prohibition leads naturally to the injunction that an unclean person should not be allowed to contaminate the altar (l. 18-21). And this in its turn suggests the law that no unclean person should enter the House of Worship (l. 21-22). Then follows our present passage which seems also to be connected with the House of Worship (l. 22 ff.): וּבְהָרָע חַצְנָרוֹת הַקְהָל וְקָרְם אָו: I would suggest to take הַקְהָל as the subject of the following verbs, and to restore לְאַיִלְלָה אֶת הַעֲבוֹרָה כֹּלָה ... תְּקַרְשׁ הוּא. יִתְאַחֲרׁ לְאַיִלְלָה אֶת הַעֲבוֹרָה כֹּלָה ... תְּקַרְשׁ הוּא. "And when the trumpets sound forth (to summon to divine service), let the Congregation come early or come late; and let them not disturb the whole service: it is a holy service." The passage would

thus contain a prohibition against worshippers filing into the House of Prayer while the Service is in progress. They should either come before the Service begins, or after it is over, when they may form a quorum for a new Service or pray privately; comp. the blowing of the horn on the eve of the Sabbath, Babi Shabbat 35b.

P. 12, l. 5. **ירפה**. I would suggest to read **ורפה** "Men must watch him whether he will *relax* (from breaking the Sabbath)." The editor's translation 'whether *he be healed* of it,' is hardly suitable in this connection.

1. 22-23. **זה סרך מושב ... תחול בקץ הרשעה** "And this is the usage of the settlement of *the camps to walk in them* (viz. the laws, understood) in (the period of) the end of wickedness." Comp. p. 13, l. 20 and p. 6, l. 10. The preceding lines (19-22) speak of the settlement in cities, and form probably the epilogue to the laws contained in pp. 9-12, many of which can only have their application in the larger settlements of the Sect, e. g. the laws relating to evidence and judges (p. 9, l. 16ff.); laws relating to the altar and the Sanctuary (p. 11, l. 17 ff.; p. 12, l. 1 f.). The present passage, however, introduces laws relating to the small village settlements (**מחנות**), their constitution and their government by the priest or Censor, which extend from p. 13, l. 1 to p. 14, l. 12.

P. 13, l. 2. **ובקום** is quite unsuitable to the context. Read probably **ובמוקם** 'And in the place where there are ten.'

1. 10. **ל... מ... נ... ד... י... ל.** The editor (p. 133, n. 7) remarks that the MS. suggests some such words as **לעתי ז' או למתה ז' ודים** or **לאשר מיד ז' ודים** I would, therefore, restore **לאשר מיד ז' ודים** "He shall loose all the bonds of their knots, (namely) of *him who* is oppressed and crushed in his Congregation by *the hand of the presumptuous ones*."

1. 16. **ונעשה** (ונעשה). The editor thinks that **נ...ה...** points to the reading **מחנה**; but this would produce no intelligible meaning. I would restore **אמנה** 'a sure covenant,' or contract; comp.

p. 20, l. 12; Nehem. 10, 1 (Heb.); and the Rabbinic **עושין אמנה** (Babli B. Meṣi'a 63a) in a slightly different sense. See also Kohut, *s. v.* The passage will therefore read thus: "No man shall perform a thing as buying or selling, unless he has spoken to the Censor, and he (the Censor) shall make a covenant between the parties."

1. 17. **למנרשׁ**. The editor translates 'to him who expels,' and remarks (p. LIII, n. 22): "Perhaps it reads **למנזר** 'open place.'" Neither of these explanations is quite satisfactory. Who expels, and whom? Again, how would 'open place' suit the context? In view of the fact that the whole section beginning in 1. 7 (**זה סרך המבקר למחנה**) and ending in 1. 20 (**זה מושב המחנות**), deals exclusively with the duties and powers of the Censor, I would make bold to retain the editor's pointing **למנזר**, but to translate the passage as follows: "And so in the case of him *who divorces* his wife. And he (viz. the Censor) shall" The missing words may have contained some enactment that a divorcee should only be granted through the Censor. Just as commercial transactions had to be ratified by the Censor (l. 15-16; comp. last note), so also was the Censor's permission required in cases of divorce. **ענווה** in next line may perhaps stand for **ענווה** (note the *waw* at the beginning of next word!), which should be compared with Deut. 22, 24. Note also the following (**תאטה ?**) ... **ובאהבת חתמת**.

The interpretation of the passage as referring to divorce would, of course, be rendered untenable if we accept the editor's theory that our Sect was opposed to divorce (Introd., p. xvii, and note 16 with the references). But no explicit prohibition of divorce is to be found in our text. The passage upon which the editor bases his theory (p. 4, l. 20 ff.), is only directed against polygamy. There is nothing in that passage to prohibit a man from divorcing his wife, if, for example, she is found to be immoral. In such a case the man would have to remain celibate, a condition which would be in complete accordance with the ascetic tendencies of our Sect.

P. 14, l. 15 ff. Restore as follows: **ולבתולה אשר אין לה גואל ולאיש** ... **אשר אין לו דורך כל עבדות פרך ולא** ... comp. the editor's notes, p. LIV, § xviii, 9-11, and additional note to the passage, p. Lviii.

1. 20. **מברך קר** Read, perhaps.

P. 16, l. 14. The editor suggests **בחזקת** after **ישראל**. Perhaps **בأنוג** would be more suitable; comp. **أنوم** in the preceding line.

P. 20, l. 17 f. I would restore as follows: **ישבי פשע [ב]יעקב שMRI** ... **ברית אל או נדרבו איש אל רעהו לכונן איש את אחיו** ... "They who turned from transgression *in Jacob*, who kept the covenant of God, then *spoke one to another, that every man might establish his brother*"; comp. p. XLIV, note 40, and Mal. 3, 16, from which also the following words are derived.

1. 28 f. After **אל** I would restore as follows: **חטינו רשענו נם** ... **אנחנו**; comp. Dan. 9, 15.

I may add here a few words to supplement the instructive but meager observations of the editor on the linguistic character of the document (Introd., p. xi). The work is written throughout in the biblical style, but needless to say this style was with the author an artificial mode of expression. The imperfect consecutive is used throughout text A, wherever Classical Hebrew would have used it. But in text B, the simple perfect is often found where we should expect the imperfect consecutive; comp. p. 19, l. 30-31; p. 20, l. 11, 23, 31, 32. Likewise, the perfect consecutive is used regularly wherever the classical style requires it. Exceptions are p. 9, l. 17 (contrast l. 19); p. 13, l. 6; p. 14, l. 4, p. 15, l. 8.

The infinitival construction is also very common, e. g. p. 1, l. 4; p. 7, l. 20; p. 15, l. 11. The infinitive is found in a nominal sense in p. 8, l. 5 f. The infinitive is used to express obligation in p. 4, l. 11; p. 9, l. 23.

The genitive is expressed by the construct state. Circumlocution of the genitive is found a few times but only with **ל**, p. 12, l. 6; p. 13, l. 5, 7, 13. A chain of constructs is found in p. 12, l. 18. Apposition is perhaps found in p. 4, l. 6, 9; p. 7, l. 5; p. 20, l. 5, 7.

The relative is always אשֶׁר.—שׁ is only found once, and that in text B, p. 20, l. 4.

The iteration of an act is expressed by the auxiliary שׁוב p. 9, l. 19. Note the forms אֲחִינוֹ p. 6, l. 20, etc. פִּיהִוּ, p. 10, l. 1, etc. כי (?) p. 12, l. 21, as an adversative p. 5, l. 8; p. 9, l. 6. So p. 12, l. 4. The numeral stands after the noun in p. 1, l. 9-10, etc. p. 14, l. 21.

In the vocabulary note the use of יוֹרָה for מָוֶרֶה p. 3, l. 8; p. 6, l. 11; p. 20, l. 14 (contrast l. 1, 28). Note also יְנוֹאֵל for יְתָמָא, p. 12, l. 16. 'possession' p. 12, l. 10; perhaps also p. 9, l. 11; comp. above the note on this passage. בְּחִזְנָה p. 13, l. 3. מְבּוּנָה p. 10, l. 6; p. 13, l. 2; p. 14, l. 7. شְׁלָוָם (= שְׁלָמָם) p. 9, l. 3, 18. חַם (= שְׁלָמָם) p. 20, l. 4); p. 4, l. 8, 10. עֲנָלִי הַדְּבָרִים p. 12, l. 12. To the Mishnic expressions enumerated by the editor (l. c.) add יְטָוָל p. 11, l. 10. יְמָרָא p. 11, l. 12 (comp. Kohut, *s. v.*, V, 235a). טְמָא כְּבָוָס *יְלִיד* p. 11, l. 13. טְמָא כְּבָוָס, p. 11, l. 22. עַד 'while,' but not followed by —שׁ, p. 12, l. 15. Note the form נְאַמְנָה (= נְאַמְנָה) p. 7, l. 5; p. 19, l. 1; p. 14, l. 2, which is still used in "Yiddish," a dialect which has preserved quite a considerable number of colloquial expressions from ancient Hebrew. With the use of סְרָך; comp. the Rabbinic expression סְרָךְ בְּתָה, etc. See Kohut, *s. v.*, VI, 138a.

The Mishnic usages found in this document may, however, be very old. They are certainly anterior to the Christian era. The general purity of the author's style and grammar, the facility with which he writes in flowing Biblical Hebrew, and his adroitness in twisting round biblical phrases and adapting them for his purpose, all prove him to have belonged to a whole circle of writers who cultivated the composition of books in an early and archaic style in imitation of the earlier canonical literature. In other words, the author belonged to the school of writers from which emanated the Palestinian apocalyptic and pseudepigraphical literature which was certainly composed in a tolerably pure Biblical Hebrew, with a more or less large admixture of Mishnic expressions and forms. The language of the present work affords us, therefore, an excellent illustration of the character and style of the Hebrew

originals of such works as the Book of Jubilees, the Testaments of the Twelve Patriarchs, and even of the Apocalypses of Baruch and Ezra.

Newcastle-upon-Tyne
England

M. H. SEGAL